

Docket No.: V7500.0003/P003  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ronald A. Marino et al.

Application No.: 10/562,058

Confirmation No.: 4142

Filed: December 22, 2005

Art Unit: N/A

For: APPARATUS FOR AND METHOD OF  
USING A DIVERSITY ANTENNA

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R. 1.47

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions under 37 C.F.R. § 1.47(a) to the Commissioner for acceptance of this application as made by the signing inventors, Ronald A. Marino and Richard J. Campero, on behalf of themselves and on behalf of non-signing inventor William J. Carpenter.

A copy of the Combined Declaration and Power of Attorney, and Assignment, executed by Ronald A. Marino and Richard J. Campero, on behalf of themselves and on behalf of non-signing inventor William J. Carpenter, accompanies this submission. See Exhibits 1 and 2 attached to the Statement of Facts that accompanies this Petition. Also included with this submission is a Statement of Facts, signed by the person with first hand knowledge of the refusal to sign by co-inventor William J. Carpenter.

01/31/2007 MKAYPAGH 00000128 10562058

01 FC:1464

130.00 OP

DSMDB-2206635v01

The last known address of the non-signing inventor is as follows:

William J. Carpenter  
5603 Strawbridge Terrace  
Sykesville, MD 21784

Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(e). Credit Card Payment Form PTO-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. V7500.0003/P003.

Dated: January 29, 2007

Respectfully submitted,

By 

Jeremy A. Cubert

Registration No.: 40,399

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicants

Docket No.: V7500.0003/P003  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Ronald A. Marino et al.

Confirmation No.: 4142

Application No.: 10/562,058

Art Unit: N/A

Filed: December 22, 2005

Examiner: Not Yet Assigned

For: APPARATUS FOR AND METHOD OF  
USING A DIVERSITY ANTENNA

---

**STATEMENT OF FACTS**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in support of the PETITION UNDER 37 C.F.R. § 1.47(a),  
filed concurrently herewith.

1. This Statement of Facts addresses why, on the basis of knowledge and belief, co-inventor William J. Carpenter, one of three (3) listed inventors on the above-referenced application, refused, and continues to refuse, to sign the Declaration and Assignment forms that accompany this Statement of Facts. See Exhibits 1 and 2 herewith (executable copy of Declaration and Assignment for Application No. 10/562,058).

2. On the basis of knowledge and belief, William J. Carpenter was an employee of Mead Westvaco Corporation at the time the invention was made, and under an obligation to cooperate in the prosecution of patent applications made during his employment. Mead Westvaco Corporation assigned all rights to the invention to the assignee, Vue Technology, Inc., at such time its name was still Inviso Systems, Inc.

3. With respect to the above-referenced patent application (Application No. 10/562,058), the undersigned prepared a copy of the Declaration and Assignment for the signature of William J. Carpenter and mailed it to Mr. Carpenter via U.S. mail on November 30, 2006. *See* Exhibit 3 (photocopy of the signed letter addressed to William J. Carpenter containing executable copy of Declaration and Assignment for Application No. 10/562,058).

4. Another copy of the Declaration and Assignment for the signature of William J. Carpenter was mailed to Mr. Carpenter via UPS on December 27, 2006. The letter included with the Declaration and Assignment stated that receipt of the Declaration and Assignment was required by January 26, 2007 in order to comply with U.S.P.T.O. rules. *See* Exhibit 4 (photocopy of the UPS shipping document and the signed letter addressed to William J. Carpenter containing executable copy of Declaration and Assignment for Application No. 10/562,058).

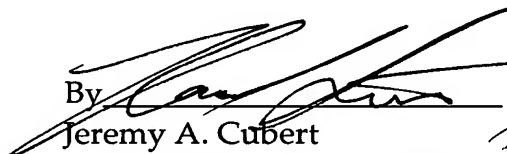
5. On Tuesday, January 9, 2007, Mr. Carpenter contacted me via telephone and stated that he wanted to "run up the bill" of Vue Technology, Inc., and would only sign the Declaration and Assignment if Vue Technology, Inc. agreed to pay him for any additional time he spends in reviewing the application. In the absence of such payment, Mr. Carpenter stated that he would refuse to sign the Declaration and Assignment.

6. Prudent and reasonable steps were taken to effect the delivery of executable versions of the Declaration and Assignment forms to William J. Carpenter. Due to the telephone call made by William J. Carpenter stating that he refuses to sign the Declaration and Assignment, William J. Carpenter is believed to be unavailable or unwilling to execute the Declaration and Assignment documents in Application No. 10/562,058. *See Exhibit 4.*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Dated: January 29, 2007

Respectfully submitted,

By  #54,266  
Jeremy A. Cubert

Registration No.: 40,399  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403  
(202) 420-2200  
Attorney for Applicants

## **EXHIBIT 1**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA

the specification of which was filed on December 22, 2005 as Application No. 10/562,058.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Dickstein Shapiro LLP**, 1825 Eye Street, NW, Washington, DC 20006-5403, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

- ☐ no such U.S. provisional applications have been filed.
- ☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/489,934	July 25, 2003	

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:



☐ no such U.S./PCT applications have been filed.

☒ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing
PCT/US04/023704			July 23, 2004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 24998

all of **Dickstein Shapiro LLP**, 1825 Eye Street, NW, Washington, DC 20006-5403, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from Vue Technology as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Jeremy A. Cubert, whose address is:

**Dickstein Shapiro LLP**  
1825 Eye Street, NW  
Washington, DC 20006-5403

Please direct telephone calls to: Jeremy A. Cubert at (202) 420-4817.

Please direct facsimiles to: (202) 420-2201

Full name of sole or first inventor <b>Ronald A. Marino</b>	
Sole or first inventor's signature	Date
Residence <b>Jackson, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>4 Reagan Drive Jackson, New Jersey 08527</b>	

Full name of second inventor, if any <b>Richard J. Campero</b>	
Second inventor's signature	Date
Residence <b>San Clemente, California</b>	
Citizenship <b>US</b>	
Mailing Address  <b>26 Via Fontibre San Clemente, CA 92673</b>	

Full name of third inventor, if any <b>William J. Carpenter</b>	
Third inventor's signature	Date
Residence <b>Sykesville, Maryland</b>	
Citizenship <b>US</b>	
Mailing Address  <b>5603 Strawbridge Terrace Sykesville, Maryland 21784</b>	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

## **EXHIBIT 2**

## **ASSIGNMENT BY INVENTORS**

**THIS ASSIGNMENT**, made by Ronald A. Marino; Richard J. Campero; and William J. Carpenter (hereinafter referred to as Assignors), residing at 4 Reagan Drive, Jackson, New Jersey 08527; 26 Via Fontibre, San Clemente, CA 92673; and 5603 Strawbridge Terrace, Sykesville, Maryland 21784, respectively;

**WHEREAS**, Assignors have invented certain new and useful improvements in APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA, set forth in a Patent application for Letters Patent of the United States, already filed on December 22, 2005 as U.S. application No. 10/562,058; and

**WHEREAS**, Vue Technology, organized under and pursuant to the laws of California having its principal place of business at 103 North Point Drive, Lake Forest, California 92630 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

**NOW, THEREFORE**, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property

including all rights of priority, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

**AND** for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

**AND** for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any

reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

**AND** Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

**AND** Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

DICKSTEIN SHAPIRO LLP

All practitioners at Customer Number 24998

**AND** Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.



\_\_\_\_\_  
Richard J. Campero

State of California                    )  
  ) ss.  
County of                                )

On \_\_\_\_\_, before me, \_\_\_\_\_, personally  
appeared Richard J. Campero ☐ personally known to me ☐ proved  
to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_





## **EXHIBIT 3**

**DICKSTEINSHAPIRO<sub>LLP</sub>**

1825 Eye Street NW | Washington, DC 20006-5403  
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

November 30, 2006

William J. Carpenter  
5603 Strawbridge Terrace  
Sykesville, MD 21784

**PRIVILEGED AND CONFIDENTIAL:**  
**ATTORNEY-CLIENT COMMUNICATION**

Re: U.S. Patent Application No.: 10/562,058  
Title: APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA  
Filing Date: December 22, 2005  
Our Reference: V7500.0003/P003

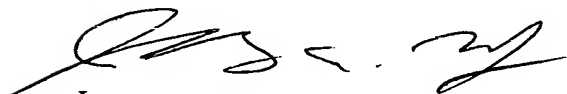
Dear Mr. Carpenter:

Enclosed please find a Notification of Missing Requirements regarding the above-identified patent application. Please sign the enclosed Declaration and Assignment forms and return the executed documents to us as soon as possible so that we may file them in the U.S. Patent and Trademark Office.

Please do not hesitate to contact us if you have any questions or comments.

Best regards.

Very truly yours,



Jeremy A. Cubert  
(202) 420-4817  
CubertJ@dicksteinshapiro.com

JAC/RLL/cdl  
Enclosures

## ASSIGNMENT BY INVENTORS

**THIS ASSIGNMENT**, made by Ronald A. Marino; Richard J. Campero; and William J. Carpenter (hereinafter referred to as Assignors), residing at 4 Reagan Drive, Jackson, New Jersey 08527; 26 Via Fontibre, San Clemente, CA 92673; and 5603 Strawbridge Terrace, Sykesville, Maryland 21784, respectively;

**WHEREAS**, Assignors have invented certain new and useful improvements in APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA, set forth in a Patent application for Letters Patent of the United States, already filed on December 22, 2005 as U.S. application No. 10/562,058; and

**WHEREAS**, Vue Technology, organized under and pursuant to the laws of California having its principal place of business at 103 North Point Drive, Lake Forest, California 92630 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

**NOW, THEREFORE**, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property

including all rights of priority, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

**AND** for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

**AND** for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any

reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

DICKSTEIN SHAPIRO LLP

All practitioners at Customer Number 24998

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

William J. Carpenter

United States of America )  
State of \_\_\_\_\_) ss.:  
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me  
\_\_\_\_\_, to me known to be the  
personally came William J. Carpenter individual  
described in and who executed the foregoing instrument, and acknowledged  
of the same.

Notary Public

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA

the specification of which was filed on December 22, 2005 as Application No. 10/562,058.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Dickstein Shapiro LLP**, 1825 Eye Street, NW, Washington, DC 20006-5403, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:



**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

- ☐ no such U.S. provisional applications have been filed.
- ☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/489,934	July 25, 2003	

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/489,934	July 25, 2003	

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no such U.S./PCT applications have been filed.

☒ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing
PCT/US04/023704			July 23, 2004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 24998

all of **Dickstein Shapiro LLP**, 1825 Eye Street, NW, Washington, DC 20006-5403, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from Vue Technology as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Jeremy A. Cubert, whose address is:

**Dickstein Shapiro LLP**  
1825 Eye Street, NW  
Washington, DC 20006-5403

Please direct telephone calls to: Jeremy A. Cubert at (202) 420-4817.

Please direct facsimiles to: (202) 420-2201

Full name of sole or first inventor <b>Ronald A. Marino</b>	
Sole or first inventor's signature	Date
Residence <b>Jackson, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>4 Reagan Drive Jackson, New Jersey 08527</b>	

Full name of second inventor, if any <b>Richard J. Campero</b>	
Second inventor's signature	Date
Residence <b>San Clemente, California</b>	
Citizenship <b>US</b>	
Mailing Address  <b>26 Via Fontibre San Clemente, CA 92673</b>	

Full name of third inventor, if any <b>William J. Carpenter</b>	
Third inventor's signature	Date
Residence <b>Sykesville, Maryland</b>	
Citizenship <b>US</b>	
Mailing Address  <b>5603 Strawbridge Terrace Sykesville, Maryland 21784</b>	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

## **EXHIBIT 4**

**ups**  
**UPS Next Day Air®**  
**UPS Worldwide Express<sup>SM</sup>**  
**Shipping Document**

See instructions on back. Visit [UPS.com](http://UPS.com) or call 1-800-PICK-UPS® (800-742-5877) for additional information and Terms and Conditions.

**TRACKING NUMBER** 1Z 525 820 22 1025 1286

**1 SHIPMENT FROM**

SHIPPER'S UPS ACCOUNT NO. **525820**

REFERENCE NUMBER **V7500,0003**

NAME **Jeremy Cubert** TELEPHONE **202-420-4700**

COMPANY **DICKSTEIN SHAPIRO, LLP**

STREET ADDRESS **1825 EYE ST, NW, FW**

CITY AND STATE **WASHINGTON** ZIP CODE **DC 20006**

**2 EXTREMELY URGENT DELIVERY TO**

NAME **William Carpenter** TELEPHONE

COMPANY

STREET ADDRESS **5603 Strawbridg terrace**

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Sykesville Maryland 21784**

DEPT./FLR **2nd Floor**

ZIP CODE **21784**

DATE OF SHIPMENT **10/27/06**

SIGNATURE *[Signature]*

DATE OF SHIPMENT **10/27/06**

0101911202609 105 S

UPS COPY

3 WEIGHT		WEIGHT Enter "Lb" in Letter		DIMENSIONAL WEIGHT If Applicable		LARGE AIR PACKAGE		4 SHIPPER RELEASE	
5 TYPE OF SERVICE		<input checked="" type="checkbox"/> NEXT DAY AIR		<input type="checkbox"/> EXPRESS (INTL)		<input type="checkbox"/>		<input type="checkbox"/>	
6		FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value		<input type="checkbox"/> DOCUMENTS ONLY		<input type="checkbox"/>		<input type="checkbox"/>	
7		<input type="checkbox"/> SATURDAY PICKUP See Instructions		<input type="checkbox"/> SATURDAY DELIVERY See Instructions		<input type="checkbox"/>		<input type="checkbox"/>	
8		DECLARED VALUE FOR CARRIAGE Contents are automatically covered up to \$100. For higher declared values, attach Form 3813 and pay the declared value over \$100. See Instructions.		\$		AMOUNT		\$	
		<input type="checkbox"/> COD. If COD, enter amount to be collected and attach completed UPS COD tag to package.		\$		AMOUNT		\$	
		<input type="checkbox"/> An Additional Handling Charge applies for certain items. See Instructions.		\$		AMOUNT		\$	
		BILL TO SHIPPER'S ACCOUNT NUMBER		BILL TO THIRD PARTY CREDIT CARD		AMERICAN EXPRESS Diner's Club MasterCard Visa		CHECK <input type="checkbox"/>	
		RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.		EXPIRATION DATE					
		THIRD PARTY'S COMPANY NAME							
		STREET ADDRESS							
		CITY AND STATE							

This form not needed with UPS Internet Shipping at UPS.com

**DICKSTEINSHAPIRO<sub>LLP</sub>**

1825 Eye Street NW | Washington, DC 20006-5403  
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

December 27, 2006

William J. Carpenter  
5603 Strawbridge Terrace  
Sykesville, MD 21784

**PRIVILEGED AND CONFIDENTIAL:  
ATTORNEY-CLIENT COMMUNICATION**

Re: U.S. Patent Application No.: 10/562,058  
Title: APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA  
Filing Date: December 22, 2005  
Our Reference: V7500.0003/P003

---

Dear Mr. Carpenter:

Further to our letter dated November 30, 2006, enclosed please find a Notification of Missing Requirements regarding the above-identified patent application. Please sign the Declaration and Assignment forms and return the executed documents to us in the enclosed return envelope as soon as possible so that we may file them in the U.S. Patent and Trademark Office. Alternatively, the documents may be faxed to us at 202-420-2201.

Please send us the executed documents by **January 26, 2007** in order for us to comply with the rules of the U.S. Patent and Trademark Office. Please do not hesitate to contact us if you have any questions or comments.

Best regards.

Very truly yours,



Jeremy A. Cubert  
(202) 420-4817  
CubertJ@dicksteinshapiro.com

JAC/RLL/cdl  
Enclosures

## ASSIGNMENT BY INVENTORS

**THIS ASSIGNMENT**, made by Ronald A. Marino; Richard J. Campero; and William J. Carpenter (hereinafter referred to as Assignors), residing at 4 Reagan Drive, Jackson, New Jersey 08527; 26 Via Fontibre, San Clemente, CA 92673; and 5603 Strawbridge Terrace, Sykesville, Maryland 21784, respectively;

**WHEREAS**, Assignors have invented certain new and useful improvements in APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA, set forth in a Patent application for Letters Patent of the United States, already filed on December 22, 2005 as U.S. application No. 10/562,058; and

**WHEREAS**, Vue Technology, organized under and pursuant to the laws of California having its principal place of business at 103 North Point Drive, Lake Forest, California 92630 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

**NOW, THEREFORE**, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property



including all rights of priority, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

**AND** for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

**AND** for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any

reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

**AND** Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

**AND** Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

DICKSTEIN SHAPIRO LLP

All practitioners at Customer Number 24998

**AND** Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.



\_\_\_\_\_  
Richard J. Campero

State of California                    )  
  ) ss.  
County of                                )

On \_\_\_\_\_, before me, \_\_\_\_\_, personally  
appeared Richard J. Campero ☐ personally known to me ☐ proved  
to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS FOR AND METHOD OF USING A DIVERSITY ANTENNA

the specification of which was filed on December 22, 2005 as Application No. 10/562,058.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Dickstein Shapiro LLP**, 1825 Eye Street, NW, Washington, DC 20006-5403, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

- ☐ no such U.S. provisional applications have been filed.
- ☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/489,934	July 25, 2003	

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no such U.S./PCT applications have been filed.

☒ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing
PCT/US04/023704			July 23, 2004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 24998

all of **Dickstein Shapiro LLP**, 1825 Eye Street, NW, Washington, DC 20006-5403, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from Vue Technology as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Jeremy A. Cubert, whose address is:

**Dickstein Shapiro LLP**  
1825 Eye Street, NW  
Washington, DC 20006-5403

Please direct telephone calls to: Jeremy A. Cubert at (202) 420-4817.

Please direct facsimiles to: (202) 420-2201



Full name of sole or first inventor <b>Ronald A. Marino</b>	
Sole or first inventor's signature	Date
Residence <b>Jackson, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>4 Reagan Drive Jackson, New Jersey 08527</b>	

Full name of second inventor, if any <b>Richard J. Campero</b>	
Second inventor's signature	Date
Residence <b>San Clemente, California</b>	
Citizenship <b>US</b>	
Mailing Address  <b>26 Via Fontibre San Clemente, CA 92673</b>	

Full name of third inventor, if any <b>William J. Carpenter</b>	
Third inventor's signature	Date
Residence <b>Sykesville, Maryland</b>	
Citizenship <b>US</b>	
Mailing Address  <b>5603 Strawbridge Terrace Sykesville, Maryland 21784</b>	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	